

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW REINALD KAERCHER,

Plaintiff,

Case No. 1:22-cv-1067

v.

Honorable Ray Kent

UNKNOWN ALLEN et al.,

Defendants.

/

ORDER LIFTING STAY AND FOR SERVICE

This is a prisoner civil rights action. The Court previously reviewed the complaint under 28 U.S.C. §§ 1915(e) and 1915A and 42 U.S.C. § 1997e(c). The Court then referred the case to the *Pro Se* Prisoner Civil Rights Litigation Early Mediation Program and entered an order staying the case for any purpose other than mediation. The case was not resolved through the early mediation program. Accordingly,

IT IS ORDERED that the stay of this proceeding that was entered to facilitate the mediation is **LIFTED**.

IT IS FURTHER ORDERED that the agency having custody of Plaintiff shall again commence collection of the filing fee as outlined in the Court's prior order granting Plaintiff leave to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that the 90-day period for service set forth in Federal Rule of Civil Procedure 4(m) shall run, starting with the date of this order.

IT IS FURTHER ORDERED that Plaintiff's counsel shall, in accordance with W.D. Mich. LCivR 10.4 and Administrative Order 03-029, immediately upon receipt of this order, make

fifteen copies of the complaint and exhibits for service upon Defendants Allen, Sergeant Shutt, Leonard, White, Gregory, Krammer, Ruthbum, Lott, Shrader, Corrections Officer Shutt, Johnston, Dill, Rydahl, Blair, and Kohn.

IT IS FURTHER ORDERED that within fourteen (14) days of this order, Plaintiff's counsel shall file with the Court the requisite number of copies of the complaint and exhibits along with a copy of this order.

IT IS FURTHER ORDERED that upon receipt of the copies required by this order, the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to each Defendant in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that each Defendant shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, the Court will enter a case management order.

Dated: July 8, 2024

/s/ Ray Kent
Ray Kent
United States Magistrate Judge